

Amendment No. 2 to SB2445

Watson
Signature of Sponsor

AMEND Senate Bill No. 2445*

House Bill No. 2594

by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-16-102, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) There is hereby created the board of examiners for nursing home administrators which shall consist of eight (8) members to be appointed by the governor as follows:

(1) Four (4) members shall be representatives of the nursing home industry, three (3) of whom may be appointed from a list of nominees submitted to the governor by the Tennessee Health Care Association, and one (1) of whom shall be a nursing home administrator who may be appointed from a list of nominees submitted by the Tennessee Hospital Association;

(2) One (1) member shall be a hospital administrator who may be appointed from a list of nominees submitted by the Tennessee Hospital Association;

(3) One (1) member shall be a physician who may be appointed from a list of physician nominees submitted by the Tennessee Medical Association;

(4) One (1) member shall be a nurse representative who may be appointed from a list of nominees submitted by the Tennessee Nurses Association; and

(5) One (1) member shall be consumer representative with no direct or indirect affiliation with the nursing home industry.

SECTION __. Tennessee Code Annotated, Section 63-16-102, is further amended by deleting subdivision (b)(1) in its entirety and by substituting instead the following:

(b)(1) Each member shall serve for three (3) years, except that initially three (3) members shall be appointed for a term of three (3) years, three (3) members for a term of two (2) years, and two (2) members for a term of one (1) year. At the expiration of a member's term, each organization named in subsection (a) may submit three (3) additional nominees to the governor for appointment to that vacancy. Any vacancy occurring on the board prior to the expiration of a member's term may be filled by the governor for the unexpired term from a list of three (3) nominees submitted by the organization for the classification in which the vacancy occurred.

SECTION __. Tennessee Code Annotated, Section 63-16-102, is further amended by adding the following language immediately preceding subsection (e) and by redesignating all subsequent subsections accordingly:

(e)

(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the board shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the board after July 1, 2010;

(B) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the board during such person's period of service as a

member of the board. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the board after July 1, 2010, and to all persons serving on the board on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the board shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the board as of July 1, 2010 and to persons appointed to the board subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

(f) In addition to all other requirements for membership on the board, all persons appointed or otherwise named to serve as members of the board after July 1, 2010, shall be residents of this state.

SECTION __. The provision in this act prohibiting a consumer who has a direct or indirect affiliation with the nursing home industry from serving on the board shall apply to all consumer member appointments made to the board after July 1, 2010.